

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X

KENNETH CREIGHTON,

Plaintiff,

-against-

THE CITY OF NEW YORK, DETECTIVE DEAN ROBERTS (Shield No. 05861), DETECTIVE GLENN GODINO (Shield No. 2756), POLICE OFFICERS JOHN DOES 1-10 (names being fictitious and presently unknown and intended to be employees of the NYPD who were involved in Plaintiff's arrest, detention, imprisonment, and/or prosecution), DISTRICT ATTORNEY ROBERT T. JOHNSON, ASSISTANT DISTRICT ATTORNEY BRUCE BIRNS A/K/A BURNS, ASSISTANT DISTRICT ATTORNEY ED TALTY a/k/a ED TULTY and ASSISTANT DISTRICT ATTORNEY MICHAEL COOPER,

Defendants.

----- X

**SUGGESTION OF DEATH  
UPON THE RECORD  
PURSUANT TO FRCP  
25(A)(1)**

1:12-cv-07454-PGG-DCF

**PLEASE TAKE NOTICE** that defendants City of New York, Detective Dean Roberts, Detective Glenn Godino, District Attorney Robert T. Johnson, and Assistant District Attorney Bruce Birns, by their attorney, Zachary W. Carter, Corporation Counsel of the City of New York, pursuant to Rule 25(a)(1) of the Federal Rules of Civil Procedure, respectfully submit as follows:

Upon information and belief, defendant Assistant District Attorney Ed Talty, who is identified in the caption of the amended complaint as "Assistant District Attorney Ed Talty a/k/a Ed Tulty," died in July of 2016.

**WHEREFORE**, pursuant to Rule 25 of the Federal Rules of Civil Procedure, defendants suggest upon the record that the individually named defendant Ed Talty is deceased, and that any motion for substitution of a proper party be timely made within ninety days of this date.

Dated: New York, New York

September 9, 2016

ZACHARY W. CARTER  
Corporation Counsel of the  
City of New York  
*Attorney for Defendants*  
100 Church Street  
New York, New York 10007  
(212) 356-2351

By: 

Kavin Thadani  
Senior Counsel

cc: Richard Gross, Esq. (by ECF and mail)  
Michael Jaffe, Esq. (by ECF only)  
*Attorneys for Plaintiff*

**DECLARATION OF SERVICE BY MAIL**

I, KAVIN THADANI, declare, pursuant to 28 U.S.C. § 1746, under penalty of perjury that on September 9, 2016, I caused to be served the annexed Suggestion of Death upon the following counsel of record by depositing a copy of same, enclosed in a priority mail postpaid properly addressed wrapper, in a post office/official depository at 100 Church Street, in the Borough of Manhattan, City of New York, directed to said attorney at the address set forth below, being the address designated by said attorney for that purpose:

Richard A. Gross  
Rubert & Gross, P.C.  
150 Broadway, Suite 712  
New York, NY 10038

Dated:           New York, New York  
                 September 9, 2016

  
\_\_\_\_\_  
KAVIN THADANI

1:12-cv-07454-PGG-DCF

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KENNETH CREIGHTON,

Plaintiff,

-against-

THE CITY OF NEW YORK, et al.,

Defendants.

**SUGGESTION OF DEATH UPON THE  
RECORD PURSUANT TO FRCP 25(a)(1)**

**ZACHARY W. CARTER**

*Corporation Counsel of the City of New York  
Attorney for Defendants  
100 Church Street  
New York, N.Y. 10007  
Of Counsel: Kavin Thadani  
Tel: (212) 356-2351*

*Due and timely service is hereby admitted.*

*New York, N.Y. ...., 2016.*

*..... Esq.*

*Attorney for.....*